

**CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION (RCA)**

DEPARTMENT: Solid Waste Management

AGENDA DATE: December 7, 2004

CONTACT PERSON/PHONE: Ellen A. Smyth, P.E., (915) 621-6719

DISTRICT(S) AFFECTED: 7

SUBJECT:

Resolution/Release to release property lien placed against 9498 Montwood Drive

BACKGROUND / DISCUSSION:

The property was cleaned on September 24, 2002 - \$ 193.77

Ten (10%) percent interest was been paid.

PRIOR COUNCIL ACTION:

The Property Lien Resolution was placed on March 18, 2003.

AMOUNT AND SOURCE OF FUNDING:

Enterprise Fund

BOARD / COMMISSION ACTION:

N/A

*******REQUIRED AUTHORIZATION*******

LEGAL: (if required) Lisa A. Hayes

FINANCE: (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on -the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this solid waste management lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
9498 Montwood Drive District 7	\$193.77	\$ 28.38	\$ 222.15

ADOPTED this 7th day of December, 2004.

CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lisa A. Hayes
Assistant City Attorney

STATE OF TEXAS)
)
COUNTY OF EL PASO)

RELEASE

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of the El Paso City Code, after providing due notice to the owner of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of the El Paso City Code, and the owner failed to comply after due notice, the City's Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds and/or other rubbish; and

WHEREAS, the El Paso City Council, in accordance with Section 9.04.380 of the El Paso City Code, declared the total amount of ONE HUNDRED NINETY THREE AND 77/100 DOLLARS (\$ 193.77) to be a lien on the hereinafter described property by Resolution dated March 18, 2003, and said Resolution is recorded in Book 4496, Page 0551, of the Deeds Records of El Paso County, Texas; and

WHEREAS, the El Paso City Council has calculated the interest on this lien to be at ten percent annum (10%) totaling TWENTY EIGHT AND 38/100 DOLLARS (\$ 28.38); and,

WHEREAS, the property owner desires a release of the property covered by said solid waste management lien and has made satisfactory arrangement with the City of El Paso to justify said release;

NOW, THEREFORE, in consideration of the above, the City of El Paso, for valuable consideration, the receipt whereof is hereby acknowledged, does release the following property from the above-mentioned solid waste management lien:

9498 Montwood Drive, City of El Paso, El Paso County, Texas, being more particularly described as Lot A (44351 SQ FT), Block 23, Montclair Subdivision, Parcel M638-999-0230-9700

EXECUTED this 7th day of December, 2004.

CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lisa A. Hayes
Assistant City Attorney

(ACKNOWLEDGEMENT FOLLOWS ON NEXT PAGE)

STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared _____
_____, as _____ of the
CITY OF EL PASO, known to me to be the person and officer whose name is subscribed to the
foregoing instrument, and acknowledged before in my county aforesaid that he had executed the
same for the purpose and consideration and in the capacity therein expressed, and as the act and
deed of the City of El Paso.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of
_____, 2004.**

Notary Public, State of Texas

My Commission Expires: _____